



**AGENDA OF THE REGULAR SESSION
CITY OF AUBURN PLANNING COMMISSION
1225 LINCOLN WAY, AUBURN, CA 95603**

**July 1, 2014
6:00 PM**

Planning Commissioners

Lisa Worthington, Chair
Roger Luebke
Matt Spokely
Fred Vitas
Nick Willick

City Staff

Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLIGIENCE

III. APPROVAL OF MINUTES

None

IV. PUBLIC COMMENT

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

V. PUBLIC HEARING

- A. TWO YEAR REVIEW OF A USE PERMIT FOR EL TOYON INSTITUTE, LLC – 209, 211 & 215 BROOK ROAD – FILE #UP 11-1.** Planning Commission two year review of a Use Permit which permitted Mediation, Class Instruction and Fundraising events for El Toyon Institute, LLC.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A.** City Council Meetings
B. Future Planning Commission Meetings
C. Reports

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

IX. ADJOURNMENT

Thank you for attending the meeting. The Planning Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chairman, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Planning Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: July 1, 2014

Prepared by: Lance E. Lowe, AICP, Associate Planner

ITEM NO.
V-A

ITEM V-A: TWO YEAR REVIEW OF A USE PRMIT FOR EL TOYON INSTITUTE, LLC – 209, 211 & 215 BROOK ROAD. – FILE # UP 11-1.

REQUEST: Planning Commission two year review of a Use Permit which permitted Mediation, Class Instruction, and Fundraising Events for El Toyon Institute, LLC.

RECOMMENDED MOTION:

That the Planning Commission take the following action:

A. Adopt Resolution No. 14-09 (**Exhibit A**) as presented, thereby finding El Toyon, Institute, LLC in compliance with their Use Permit; based upon substantial evidence in the public record, which includes the following action:

1. Adoption of Findings of Fact confirming that El Toyon, Institute is in compliance with their Use Permit as presented in the Staff Report.

PROJECT INFORMATION:

Applicant: Shawn Batsel; 211 Brook Road; Auburn, CA 95603; (530) 522-8735;

Owner: El Toyon Institute, LLC; 7615 Haley Road; Granite Bay, CA 95746; (916) 791-3605

Location: 209, 211 & 215 Brook Road (**Attachments 1 – 2**)

Assessor's Parcel Numbers: 003-200-017, 025, & 026

Lot Size: ±2.5 acres (±108,900 sq. ft.)

Project Site:

Zoning: Open Space Conservation (OSC)/Residential, Single Family, Minimum Parcel Size (10,000)

General Plan: Open Space Conservation (OS)/Low Density Residential

Existing Land Use: Historic Single Family Dwelling, Classroom, Second Residential Unit and associated parking lot improvements

Surrounding Land Uses:

North: Single Family Dwellings

South: Multiple-Family Dwellings

East: Open Space

West: Single Family Dwellings

Surrounding Zone Districts:

North: R1-10

South: R1-10

East: OSC

West: R1-10

BACKGROUND:

On July 9, 2012, the City Council held a public hearing to consider an appeal of the Planning Commission's Denial Recommendation of a General Plan Amendment and Rezone and Denial of a Use Permit and Tree Permit at 207, 211 and 215 Brook Road for El Toyon, Institute (ETI), LLC.

After receiving public testimony and discussion by the City Council, the City Council overturned the Planning Commission's denial and approved the project subject to ninety-seven (97) Conditions of Approval and four (4) Mitigation Measures (**Exhibits B & C – City Council Excerpt Minutes and City Council Staff Report dated July 9, 2012 with Attachments and Exhibits**). Specifically, adopted Condition of Approval No. A-13 required the Planning Commission to review the project at a noticed public hearing (**Exhibit A of City Council Staff Report – Project Conditions of Approval**) as follows:

- A-13** Two years from the date of approval, the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission the city can proceed with revocation of the Use Permit.

The approved project allowed the use of the historic property for *Mediation, Class Instruction, and Fundraising Events* as described below:

Mediation: Mediation is approved in the El Toyon Estate and second unit. According to the applicant, Mediation is the process of refined communication in which parties work through issues with a neutral facilitator or facilitators. Mediation is voluntary to both the mediator and to the parties (anyone can call it off at any time). The parties draft their own agreements and mediation notes are shredded. In California, the process in its entirety is protected by confidentiality statutes for the purpose of discovery. There are no offices, no office desks, no work product, no advise given, and no file cabinets.

As Conditioned (COA No. A-5), Mediations shall be limited to two mediations a day (8 people per session), operating week days between the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

Class Instruction: ETI converted an existing ±960 square foot garage into a ±768 square foot 30 student classroom with accessible (ADA) bathrooms (**Attachment 4 – Site Photographs**). Upon completion of construction, the trainings would be moved to the converted garage allowing concurrent break-out trainings in the historic residence and second unit. Training subjects would include communication techniques, negotiation, mediation, non-violent communication, restorative justice and other similar topics the community shows interest in through period surveys.

As Conditioned (COA No. A-5), the existing garage conversion to a class room for Mediation Training is limited to 30 students. Class instruction shall be limited to 40 times during the year from 8:00 a.m. to 5:00 p.m. Thursday through Saturday. Instruction shall be limited to Mediation Training.

Fundraising Events: ETI also has the option of hosting 4 outdoor fundraising events per year for local non-profit and government projects. Meals would be catered by outside vendors, if food is to be served.

As Conditioned (COA No. A-5), Fundraising Events shall be limited to 4 outdoor fundraising events per year for local non-profit and governmental projects only. Fundraising events shall be limited to a maximum number of 70 persons, including event staff. Events shall be limited to weekends (i.e. Friday night, Saturday or Sunday), with the event terminating at 10:00 p.m. All music sources shall be limited to the rear ¼ of the property.

PROJECT DESCRIPTION:

In accordance with the adopted Condition of Approval A-13, an application has been filed on April 8, 2014, with the Community Development Department by El Toyon Institute, LLC, for their two year review.

As instructed by the City Council, the Planning Commission is reviewing the operation of the El Toyon, Institute, LLC at a noticed public hearing and if deemed appropriate by the Planning Commission the city can proceed with revocation of the Use Permit that was approved by the City Council in 2012.

It should be noted however, that El Toyon Institute, LLC, has established a vested right by obtaining building and grading permits and performing said work, in reliance on their land use entitlement approval(s). Accordingly, in order to revoke the Use Permit, the Planning Commission is required to make findings in the affirmative for revocation, based upon substantial evidence in the public record, that:

The establishment, maintenance, and/or conduct of the use for which the use permit was issued has, under the circumstances of the particular case, been detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and has, under the circumstances of the particular case, been detrimental to the public welfare or injurious to property or improvements in such neighborhood or has had an adverse effect on the inherent residential character of the City.

A "Use Permit Revocation Hearing" would be required to be conducted during a subsequent "Use Permit Revocation" noticed public hearing and the Findings noted above would have to be substantiated in order to consider revocation of El Toyon's Use Permit.

ANALYSIS:

Since approval of the project, it was anticipated that the El Toyon Institute would be fully operational in advance of their two year review. However, as relayed by the applicant, mediation, class instruction or fundraising events have not occurred on the premises to date. Such events however, are anticipated in the latter part of this year, as the improvements are nearing completion.

Since approval of the project on July 9, 2012, many of the improvements approved for the El Toyon, Institute facility have been constructed and those remaining improvements are slated for completion by September of this year, according to the applicant. Improvements completed to date include, but are not limited to (**Attachment 3 – El Toyon Correspondence**):

- The parking lot to the south has been graded, paved, set with unobtrusive lights per city standards, an oil/water separator and filter with runoff pool has been installed and is striped, as are the parking spaces on the widened driveway and near the house and classroom;
- All public access areas are now wheelchair accessible;
- ADA compliant restrooms have been added to the main house;
- The four car garage has been converted to a classroom with a deck and two completed bathrooms;
- Public access areas are monitored by new fire alarms with strobe lights;
- A wooden fence with stone columns has been built to provide privacy and reduce noise between the mediation center and neighbors to the north.

Pictures of the construction that has taken place over the last two years are attached herewith as **Attachment 4**.

In consultation with the Auburn Fire, Building and Public Works Departments, El Toyon LLC is in compliance with all City Departments. Moreover, in consultation with the Police Department, no calls or complaints have been received to date on the El Toyon, Institute facility.

The Mitigation Measures associated with construction of the project (e.g Air Quality and Biological Resources) have been fulfilled with approval and implementation of the construction plans. The Mitigation Measures associated with On-site Parking (e.g. Ridesharing Program), shall be required prior to the first Mediation Training and/or Fundraising Event(s).

As noted, the purpose of the two year review was to ascertain whether or not El Toyon, Institute is in compliance with their Use Permit and to evaluate whether or not there were any compatibility issues with the El Toyon, Institute and adjoining residential neighborhood. Considering that the El Toyon Institute is not fully operating with mediation, class instruction and fundraising events, the Planning Commission's review is not as comprehensive as if the facility were in full operation. However, the applicant is in full compliance with the City of Auburn Fire, Building, Public Works and Police Departments. Therefore, evidence necessitating a revocation hearing appears to be unsubstantiated.

Again, it should be noted that should any problems arise in the future, the City can initiate a revocation hearing before the Planning Commission at any time provided there is substantial evidence in the public record to do so. Accordingly, further review of the El Toyon Institute at this time or in the future also appears to be unwarranted.

ENVIRONMENTAL DETERMINATION:

The Auburn City Council previously adopted a Mitigated Negative Declaration for the General Plan Amendment, Rezone and Use Permit in accordance with the California Environmental Quality Act. In accordance with CEQA, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Program adopted for the project.

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photograph
3. El Toyon, Institute Correspondence
4. Site Photographs

EXHIBITS:

- A. Planning Commission Resolution No. 14-09 with Findings
- B. City Council Excerpt Minutes dated July 9, 2012
- C. City Council Staff Report dated July 9, 2012 with the following Exhibits:

Exhibit A – Project Conditions of Approval

Exhibit B – Planning Commission Minutes dated November 15, 2011

Exhibit C – Appeal Filed by Mr. Shawn Batsel dated November 23, 2011

Exhibit D – Draft City Council Resolution for Approval of Appeal, Adoption of Environmental Document and Approval of General Plan Amendment, Rezone, Use Permit and Tree Permit

Exhibit E – Initial Study/Mitigated Negative Declaration containing the following Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

Attachment 3 – Zoning Map

Attachment 4 – Historic Resources Survey dated 1986

Attachment 5 – Site Plan

Attachment 6 – General Plan Amendment Exhibit

Attachment 7 – Rezoning Exhibit

Attachment 8 – Site Photographs

Attachment 9 – Applicant's Project Description

Attachment 10 – Applicant's Lease Agreement

Attachment 11 – Arborist Report

Exhibit F – Mitigation Monitoring & Reporting Program

Exhibit G – Draft City Council Ordinance Rezoning Property Located at 211 Brook Road From Residential Single Family, Minimum Parcel Size 10,000 (R-1-10) to Open Space Conservation (OSC)

Exhibit H – Music Location Exhibit

Exhibit I – Correspondence Received At or Subsequent to November 15, 2011 Planning Commission Hearing Opposing/In Favor of Project

Exhibit J – Applicant's Counsel Correspondence dated June 29, 2012 with Attachments

Exhibit K – Project Plans dated June 11, 2011

EXHIBITS ON FILE WITH THE COMMUNITY DEVELOPMENT DEPARTMENT

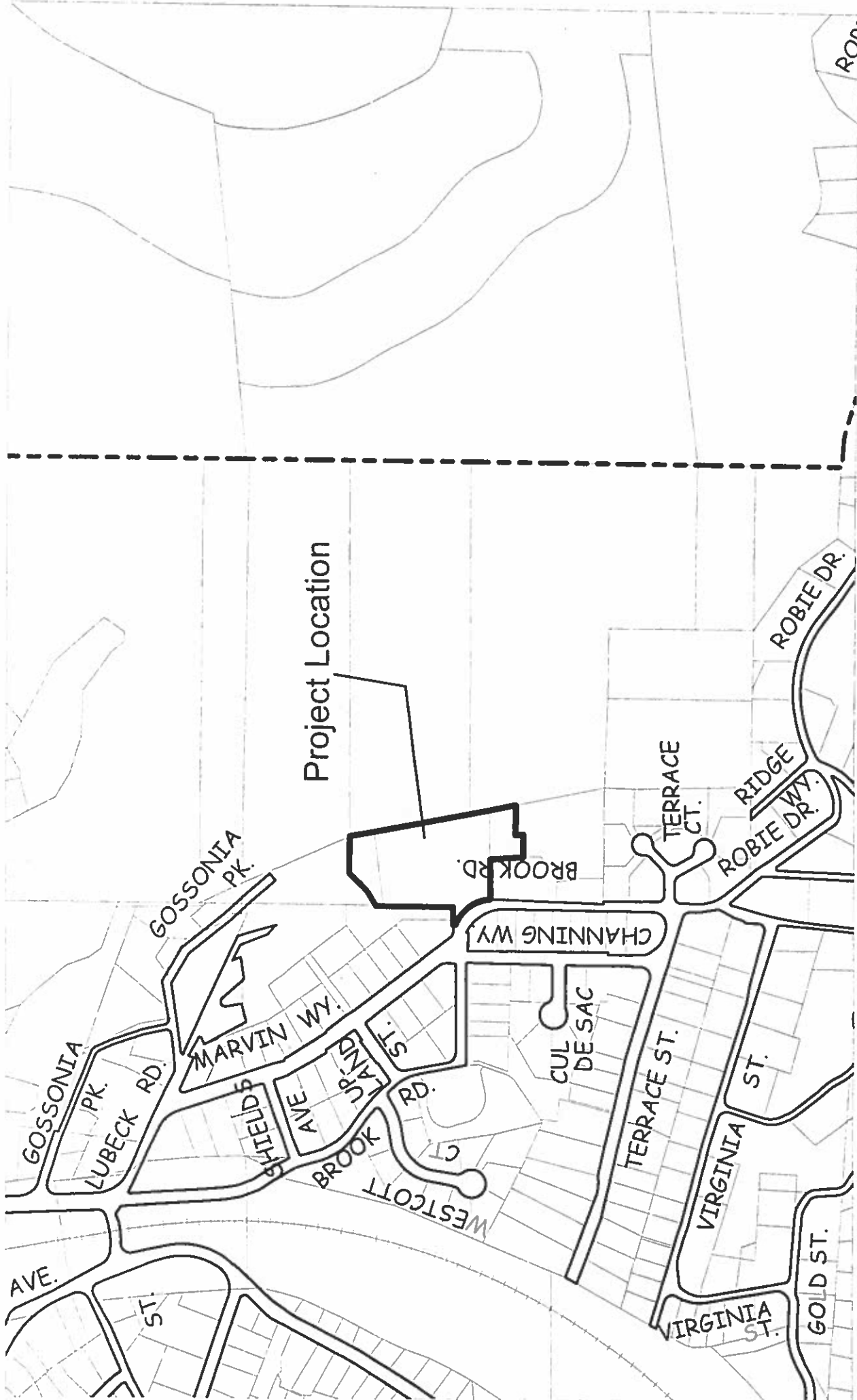
Exhibit L – November 15, 2011, Planning Commission Staff Report

Exhibit M –Petition in Support of Mediation Center at 211 Brook Road



ATTACHMENTS

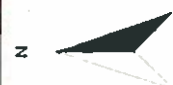
209, 211 & 215 Brook Road

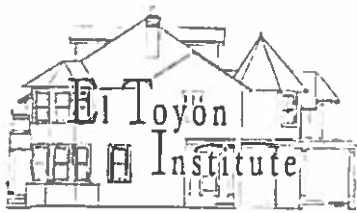


209, 211 & 215 Brook Road



ATTACHMENT 2





Lance Lowe, Auburn City Planning

Lance,

Per your April 22, 2014 letter, here is a status update of the El Toyon, LLC facility.

Photos and attachments will be downloadable from the link below (file size prevented me from being able to email them all to you.)

<https://www.dropbox.com/sh/jmpja93jfecx9e1/AABGCQP3fUoIOYvTJGyhCeq7a>

"i. List any improvements planned or completed since approval of the project (i.e. parking lot, ADA upgrades, lighting, etc). Provide pictures of improvements completed to date and of the property.

ii. If all of the improvements have not been completed to date, please list a tentative date as to when the improvements may be completed."

Many improvements have taken place at the property, those remaining are anticipated to be completed by September.

The parking lot to the south has been graded, paved, set with unobtrusive lights per city standards, an oil/water separator and filter with runoff pool has been installed and is striped, as are the parking spaces on the widened driveway and near the house and classroom.

All public access areas are now wheelchair accessible.

ADA compliant restrooms have been added to the main house.

The four car garage has been converted to a classroom with a deck and two completed restrooms.

Public access areas are monitored by new fire alarms with strobe lights.

A wooden fence with stone columns has been built to provide privacy and reduce noise between the mediation center and neighbors to the north.

"iii. Provide a listing (i.e. dates, times, number of attendees, etc.) of any mediation services offered or planned, mediation training provided or planned, fundraising events that have occurred or are planned, etc."

Mediation services, training and fundraising events will not be held or planned until construction is complete.

A class based upon mediation principles was taught at Chana High School from January to April, 2014.

"iv. Provide a status update on any public outreach that has been undertaken by El Toyon, LLC., including any outreach that has been undertaken to address potential neighborhood concerns, if any."

We have set up an email notification system which neighbors were invited to via mailed notices. Emails will be sent ten days prior to any El Toyon mediation class session or fundraising event. While ETI has not had any business on the premises to date, the email notification has been used to let neighbors know about some personal events at the house, namely a Batsel family reunion and an Auburn Chamber of Commerce Leadership Auburn meeting. We received a handful of "thank you" emails from neighbors for the notice.

We maintain a use log of the property that includes our private uses of the house which includes the person responsible for the function, the number of visitors and the time the house was used. If we were to receive comments or complaints about noise or lights on a certain date we would be able to discuss it with the group, such as our church bible studies, prayer meetings, or church book club. Once parking lot construction reached a point that would require visitors to use on-street parking we told our groups the house would not be available for those private uses until off-street parking was available again.

We are developing a packet for fundraising events that will encourage carpooling to reduce traffic in the neighborhood and will require fundraiser organizers to provide attendants to watch the street and ensure no event guests use street parking.

"v. Provide any supplemental information you would like to present to the Auburn Planning Commission."

We greatly look forward to both the end of construction and being able to serve the community.

This is a project that is very important to us. We believe helping people resolve their disputes in a safe, healthy manner not only leads to more satisfaction between the disputants, but equips them to deal more effectively with third parties as well.

Our ultimate "reach-for-the-stars" goal is to raise people's communication skills to the point that they no longer need a mediator to settle their own conflicts and can even help others find ways to peacefully resolve disagreements.

We will continue to strive to keep any impacts to the neighborhood to a minimum and are committed to addressing concerns as quickly as possible.

Thank you very much,

Shawn Batsel

Please let me know if you have any trouble with the files.



ATTACHMENT 4

View of upgraded entrance on Brook Road

1 of 11



2 of 11

ew of parking lot entrance on Brook Road



3 of 11

3w of parking lot from south end of property looking north



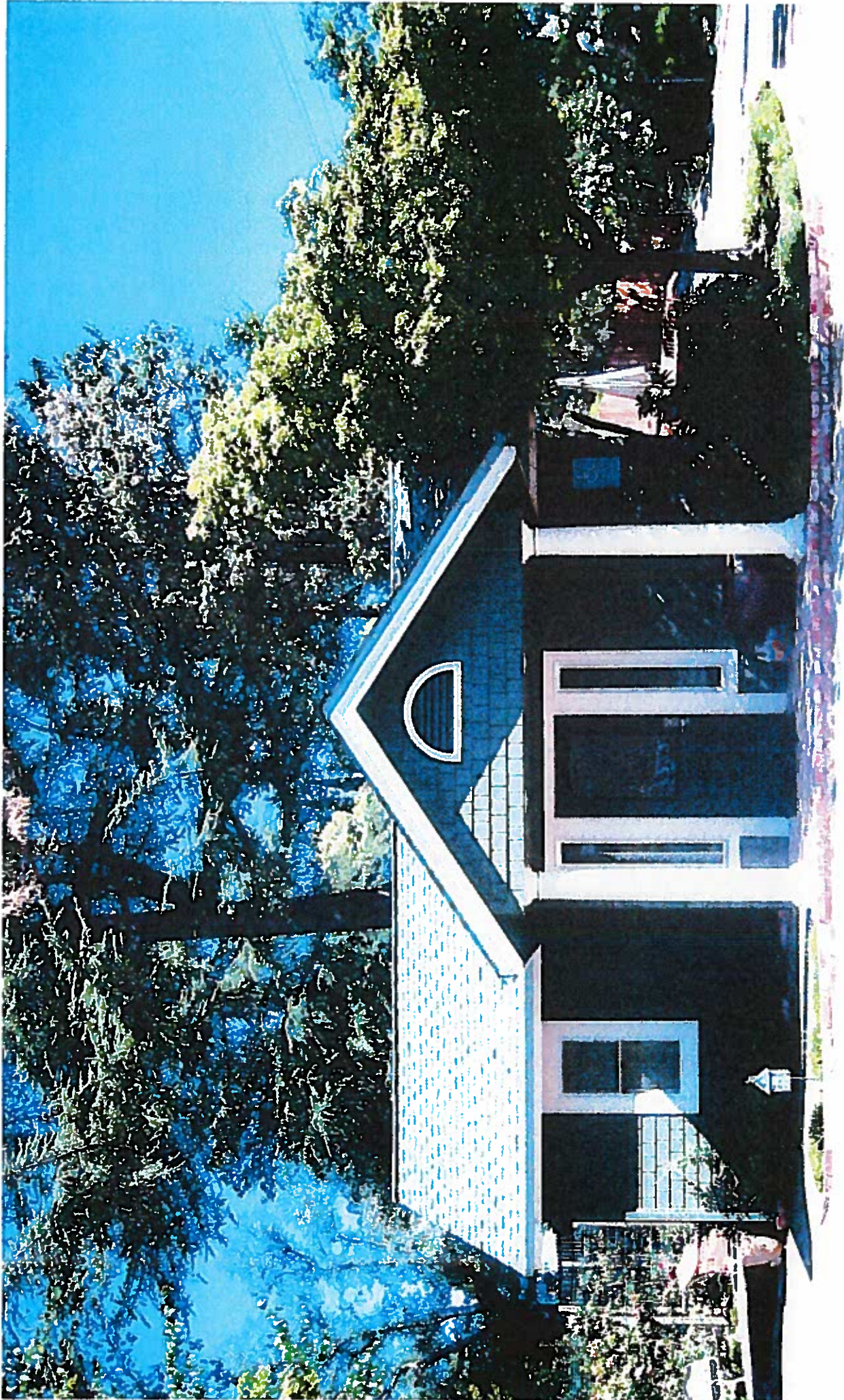
w of parking lot from south end of property looking northeast



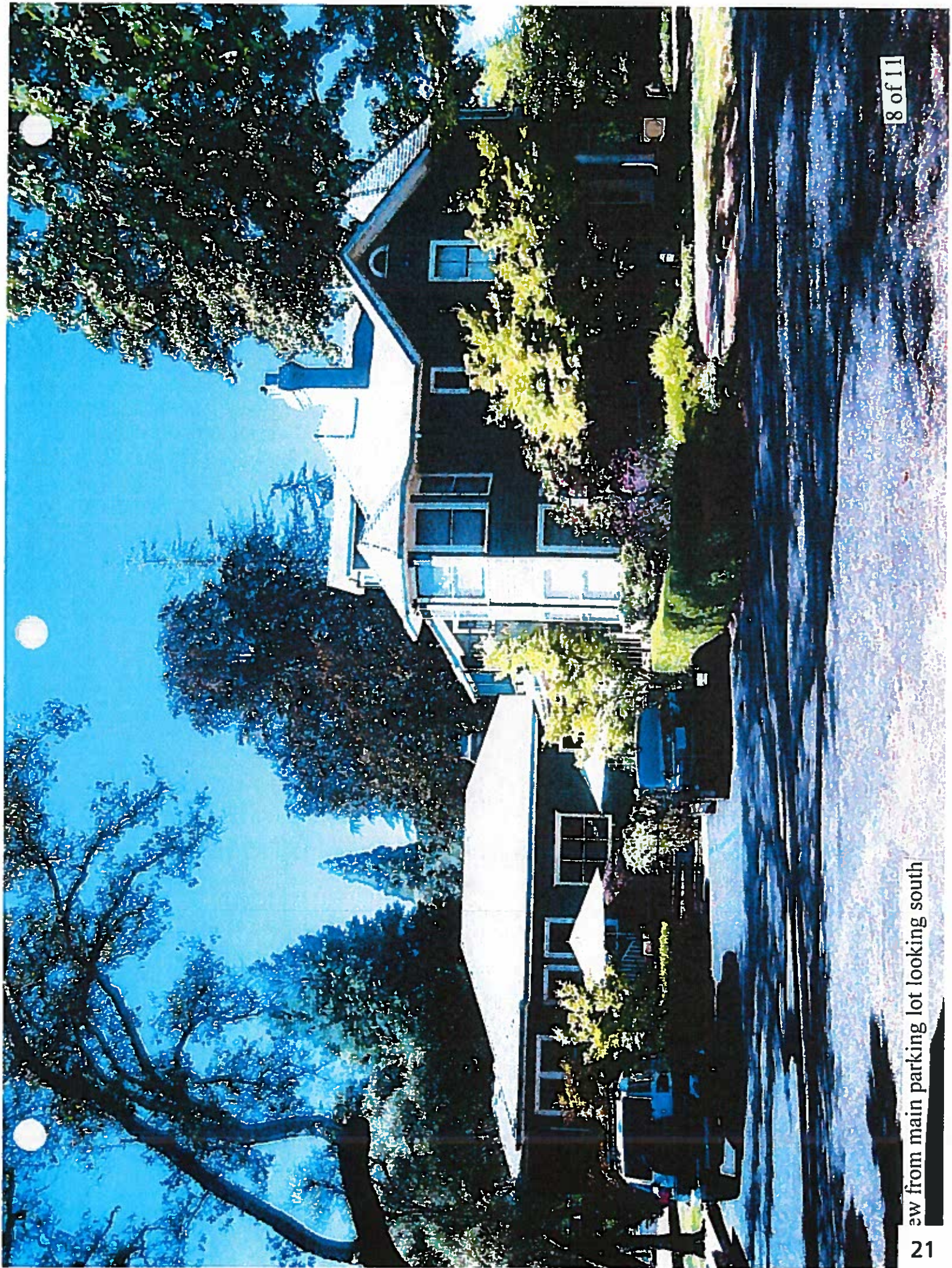


6 of 11

view of classroom looking east



View of 2nd Residential Unit looking north





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View of new fencing along north property line

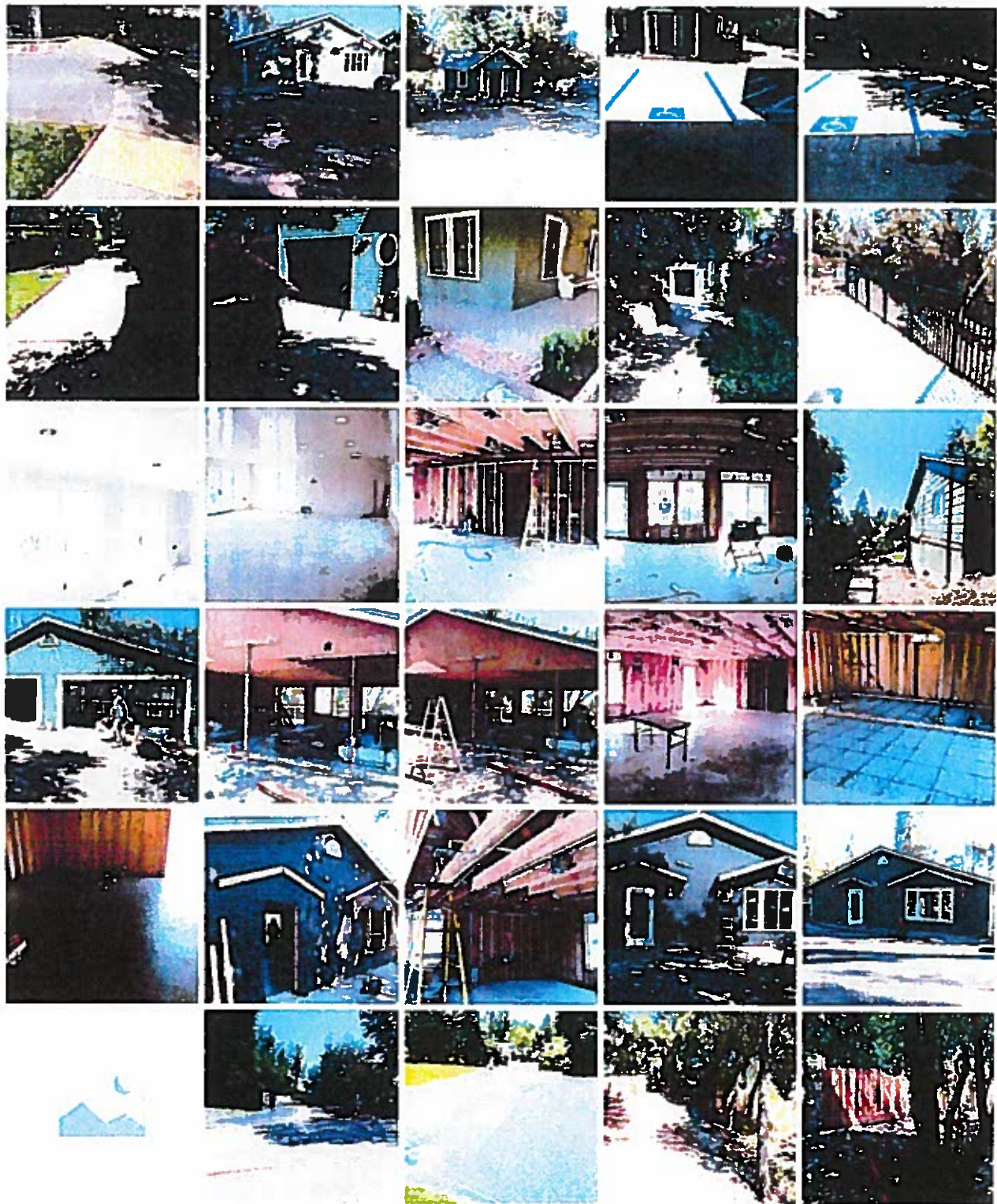




Download

Sign In

El Toyon 2 Year Review Photos



11 of 11

EXHIBITS



**PLANNING COMMISSION RESOLUTION NO. 14-9
EL TOYON INSTITUTE, LLC TWO YEAR REVIEW (FILE UP 11-1)**

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of July 1, 2014, to review a Use Permit which permitted Mediation, Class Instruction and Fundraising Events for El Toyon Institute, LLC (File UP 11-1).

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the July 1, 2014 meeting.
2. Site plan and project description submitted by the applicant.
3. Staff presentation at the public hearing held on July 1, 2014.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission finds the following for the Use Permit (File UP 11-01):

1. The establishment, maintenance, and/or conduct of the use for which the use permit was issued has not, under the circumstances of the particular case, been detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and has not, under the circumstances of the particular case, been detrimental to the public welfare or injurious to property or improvements in such neighborhood or has had an adverse effect on the inherent residential character of the City.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby acknowledges that the El Toyon Institute is in compliance with the City's approvals.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the review is exempt from CEQA and confirms that the El Toyon Institute is in compliance with the City of Auburn approvals, and is carried by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED this 1st day of July, 2014.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department

**CITY COUNCIL MINUTES
July 9, 2012
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 9, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, Bridget Powers, Kevin Hanley

Council Members Absent: William W. Kirby

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogio, Public Works Director Bernie Schroeder, Associate Planner Lance Lowe, Public Works Engineer Carie Huff, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Powers/ Unanimously approved by voice

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: Auburn Police Officers Association (APOA)

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported on the special closed session held July 5th, 2012 (reflected in those minutes). He reported that in today's closed session, direction was given to the labor negotiator in regards to negotiations with the APOA.

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

11. **A Public Hearing to Consider an Appeal of the Planning Commission's Denial Recommendation of a General Plan Amendment and Rezone and Denial of a Use Permit and Tree Permit at 207, 211 & 215 Brook Road for El Toyon Institute, LLC.**

Associate Planner Lance Lowe presented this item. He reviewed the action of the Planning Commission which resulted in a 2-2 vote, therefore denying the project. He said this appeal allows for the entire project to be considered by the City Council. He reviewed the General Plan Amendment, Rezoning, Use Permit, and Tree Permit. He also reviewed the project descriptions including the type of mediation center, class instruction, related parking and fundraising events. He reviewed the additional conditions of approval.

Council Member Powers asked about the two year review and the process of rezoning back to residential.

Council Member Holmes asked about the timing of the appeal coming before City Council.

Council Member Nesbitt also asked about the reasoning behind the applicant requesting an extension on this hearing. He also asked about the property surrounding the proposed parking area.

Lance Lowe explained that the request was made in writing by the applicant for an extension to work on the additional conditions of approval with neighboring property owners. He said the property surrounding the parking area is the parking lot for the apartments on the adjacent property.

Mayor Hanley asked, with the new zoning on the property, what is the number of homes on the property that would be allowed the future? He also asked about conditions of approval in regards to fundraising events.

Christina Lawson, Land Use Attorney working with the applicant, spoke about the history of the property, the low impact of the proposed project, the zoning designations of the adjacent properties, and the applicant's outreach to the neighbors.

Terri Batsel, applicant and owner of the property, spoke about her vision for the mediation center. She spoke of all the benefits of a mediation center to the community.

Council Member Holmes asked Christina Lawson about the historic list she referenced.

Council Member Nesbitt asked the applicant to describe a profile of the types of people who would be using the mediation center. He said he would like to see the language regarding fundraisers to reflect an end time of 9 p.m.

Terri Batsel said the mediation center will be used by her church and other churches in the area.

Council Member Powers asked the applicant about the neighbors in opposition.

Christina Lawson said even though some of the neighbors opposed the project, they were pleased with the two-year review of the project. She said not all of the neighbors agreed to fully support the project.

Public comment in support of the mediation project: Victor Roumage, Cheryl Maki, Hillary Grenier, Sandy Amara, Bob Snyder, Sue Dings, Cec Roumage, Betty Jensen, Jason Randall, and Alex Carnahan.

Public comment in opposition of the mediation project: Pam Richards, Judy Melick, and Mary Kozak.

Council Member Holmes said he supports the project and is disappointed by the lack of historical resignation of the property by the City. He said he looks forward to the two year review of the project.

Council Member Nesbitt said the property owners have been very responsible with the upkeep of the property and with addressing neighbors concerns. He said the effects will prove to be minimal once in place. He said he supports the two-year review on the project.

Council Member Powers addressed the possibility of commercial uses in the neighborhood in the future, notifications to neighbors and the permit review in two years. She said she supports the project.

Mayor Hanley said due to the various strict conditions of approval, he doesn't view this project a "commercial" type of activity. He explained how the conditions of approval create a low impact project.

A. By Resolution 12-84 (**Exhibit D**) uphold the appeal, thereby approving the General Plan Amendment, Rezone, Use Permit and Tree Permit, based upon substantial evidence in the public record, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the General Plan Amendment, Rezone, Use Permit & Tree Permit as the appropriate

level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit E**);

2. Adoption of a Mitigation Monitoring and Reporting Plan (MMRP) implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit F**);
3. Adoption of Findings of Fact to uphold the appeal and approve the General Plan Amendment, Rezone, Use Permit, and Tree Permit as presented in the Staff Report; and,
4. Approval of the Use Permit and Tree Permit in accordance with the Conditions of Approval as presented in the Staff Report.

B. By Motion, introduce and hold a first reading, by title only, of an ordinance approving the Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) for ±1.97 acres located at 211 Brook Road (**Exhibit G**);

MOTION: Holmes/Nesbitt/ Approved 4:0 (Kirby absent)

*****Council recessed for 5 minutes*****

COUNCIL BUSINESS

12. City Email Policy

Mayor Hanley introduced this item. He spoke of the recent article "Local Agency Electronic Media Use and California Public Records Law," in *Western City*. He said the City Council should periodically review and revise the City Email Policy to achieve the following policy goals: (1) ensure that citizens can give input in a free and unhindered way on what they think about particular items before Council, (2) ensure public access to public records, (3) make sure the public has confidence that the City is complying with open meeting laws in pursuant to the Brown Act, and (4) make sure the policy continues to except certain information from public disclosure when its protected by state and federal laws. He addressed Council using the city server if communicating with staff for increased transparency.

Council Member Holmes said he agrees that staff needs to develop guidelines on this issue.

Council Member Nesbitt said he agrees that city business should be a public record while he feels if someone emails him personally, privacy

EXHIBIT

Exhibit C on File with the Community
Development Department

